

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

BENJAMIN SHERWOOD,

Defendant.

CASE NO. CR20-0155-JCC

ORDER

This matter comes before the Court on the parties' stipulated motion to continue trial until April 2021 (Dkt. No. 19). Having thoroughly considered the parties' briefing and the relevant record, the Court hereby GRANTS the motion for the reasons explained herein.

Trial is currently scheduled for November 16, 2020. (*See* Dkt. No. 18.) The parties move to continue trial until April 2021 because the case is complex and because defense counsel needs additional time to review voluminous discovery produced by the Government. (*See* Dkt. No. 19 at 2–3.) In addition, the Court, *sua sponte*, considers the parties' motion in the context in which it arises. Over the past seven months, the COVID-19 pandemic has significantly impacted the Court's operations. (*See* General Orders 01-20, 02-20, 07-20, 08-20, 11-20, 13-20, 15-20 each of which the Court incorporates by reference.) Specifically, the pandemic has made it difficult for the Court to obtain an adequate spectrum of jurors to represent a fair cross section of the community, and public health guidance has impacted the ability of jurors, witnesses, counsel,

and Court staff to be present in the courtroom. (*See generally id.*)

Having thoroughly considered the briefing and the relevant record, the Court FINDS that the ends of justice served by granting a continuance outweigh the best interests of Mr. Sherwood and the public to a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). The reasons for this finding are:

1. The Government has produced voluminous discovery to Mr. Sherwood. Therefore, regardless of whether this case is unusual or complex, the failure to grant a continuance would deny Mr. Sherwood's counsel reasonable time necessary for effective preparation. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).
2. The COVID-19 pandemic has made it difficult for the Court to obtain an adequate spectrum of jurors to represent a fair cross section of the community, which would likely make proceeding on the current case schedule impossible or would result in a miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i).
3. Public health guidance has impacted the ability of jurors, witnesses, counsel, and Court staff to be present in the courtroom. Therefore, proceeding with the current trial date would likely be impossible or would result in a miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i).

Accordingly, the Court ORDERS:

1. The November 16, 2020 jury trial is CONTINUED until April 12, 2021 at 9:30 a.m.
2. The October 15, 2020 pretrial motions deadline is CONTINUED until March 1, 2021.
3. The period from the date of this order until April 12, 2021 is an excludable time period under 18 U.S.C. § 3161(h)(7)(A).

DATED this 30th day of October 2020.

A handwritten signature in black ink, reading "John C. Coughenour", written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE